

**Regular Meeting
Enforcement & Resource Protection Committee
August 28, 2006 – 2:00 p.m.
Law Enforcement Center Boardroom**

1. Call to Order & Roll Call-

Meeting was called to order at 2:10 pm. Members Present: Joan Delabreau, Mark Waukau, Walter Cox, Bryan Lepscier, Barbara Nelson, Gary Schuettpelez, Cara Thunder. Members absent: Gary Besaw, Bill Kussel, and Lynette Miller (all excused). Also present: Warren Warrington, Rob Orcutt, Frank McLellan, Nolan Mahkemitas.

2. Moment of Silence – A moment of silence was observed.

3. Approval of Minutes dated May 24, 2006-

Minutes were not transcribed in time for this meeting.

Motion by Walter Cox to table this item until the next meeting. Seconded by Mark Waukau. All those in favor signify by raising your right hand. Motion Carried: 6-for, 0-opposed, 1-abstentions (Delabreau), 3-absent (Besaw, Kussel, Miller).

4. Road Damage/Safety & Enforcement: Ben Warrington-

Ben Warrington will be present at the next meeting to further discuss this item. This item came to the committee from the Roads Workgroup. A lot of saw logs that do not meet the standard are going to the mill for processing, causing considerable damage to the roads. A lot of saw logs that do not meet standards are going to the mill. It is evident by the way the roads are deteriorating by the entrances.

Motion by to Barb Nelson to table this item until the next meeting. Seconded by Joan Delabreau. All those in favor signify by raising your right hand. Motion Carried: 6-for, 0-opposed, 0-abstentions, 3-absent (Besaw, Kussel, Miller).

5. MTPD-Arrest/Jurisdictional Protocols: Warren Warrington

On number 2 you state “If, at any time, the Menominee Tribal Jail must house prisoners outside the borders of the Menominee Indian Reservation, **the Tribal Jail shall choose prisoners** to be housed off reservation on a first in first out basis.” Committee questions on how you choose prisoners. There have been issues that some prisoners have been sent to Shawano for housing and when they are there, checks are run on them and if they have outstanding warrants, Shawano keeps them. How does the Police Department determine which prisoner goes and which one stays? Ms. Delabreau stated that the custody/jurisdiction should still remain with us and our prisoners should still remain in our custody. We do not house another county’s prisoners and then decide to keep them. Mr. Waukau stated that this occurrence is very little as when the jail is overcrowded, the list is looked at to see who has only a day or two left and will request tribal courts to just release them. Mr. Waukau will get a procedure together to address how the prisoner’s are sent to Shawano and bring this back to the next meeting.

Questions come from the Committee in regards to #3 wording states” If during the course of detaining, arresting, or incarcerating an individual, a Tribal Law Enforcement Officer becomes aware that the individual detained is subject to an arrest warrant from an outside jurisdiction, **said Officer shall not request assistance form any non-Tribal law enforcement official**, no shall said Officer inform any non-Tribal law enforcement official of the presence of the individual subject to the arrest warrant except pursuant to the provisions of Ordinance 81-22, or in a situation where said Officer must request assistance for safety reasons. Clarification as when the Officer does indeed contact other jurisdictions. Committee went over the 4 types of warrants: 1) Felony warrant (Arrest pursuant to extradition ordinance), 2) tribally issued arrest warrant (Arrest pursuant to the locally issued warrant), 3) Non-felony warrant (Release if no other local charges), 4) No warrant (Release if no other local charges).

The jurisdictional issue is an issue that needs to be brought up at the County Board and Tribal Legislature level and meeting needs to be set. Nevada vs. Hicks has never been addressed. What authority does an outside agency have to execute warrants here on the reservation? Nevada-Hicks only deals with search warrants. We need this issue to be addressed or an opinion rendered by the Tribe. Mr. Lepscier received the request for a joint meeting this morning and will be addressing this.

Motion by Joan Delabreau to table Volume 5, Chapter 1, Section 34-Law Enforcement Operations. Seconded by Walter Cox. All those in favor signify by raising your right hand. Motion Carried: 4-for, 0-opposed, 2-abstentions (Lepscier and Waukau), 3-absent (Besaw, Kussel, Miller).

6. Tazer Use Update-

Gary Besaw asked for this information to be presented due to concerns from the community. According to the report, the tazer has been drawn 16 times, 1 time the tazer was deployed, but at that same instance; that person was pulling off their jacket. so the tazer did not sting. 2 were for active darts and 2 were in laser mode. The figures were from March 1st or 2nd (when the computer program went live) until present. The report will be broken down to show when the tazer was deployed and how many seconds each time.

After the captain reviews all incident reports and if she feels that there might have been excessive force she reports this to the Chief. To date, there has only been one incident and this does not involve tazer use.

7. Review Monthly Reports & Junk Car Citations-

Conservation- July report notation- person was laid off. Walter Cox informed that this was in compliance with the Tribe’s Personnel Policies and procedures.

Environmental Services-particular grants did not have an end date so the calculations at end of spread sheet would not show numbers. All BIA-638 monies can be carried over for the next fiscal year. The amount of gas spilled at Rivermart was about 2 gallons and was spilled by the driver.

Chief of Police report reflects that the Police Department are still waiting for the formulation of the Sexual Offender and Notification Program Committee in accordance with Ordinance #01-12. To this date there has been no committee appointed. The Tribal Police has been keeping up with the registration part as much as possible. The Committee will make this an agenda item for next meeting.

According to the Chief of Police report, the jail has exceeded its life span of 20 years. If this is the case, why isn't the BIA building us a new one? BIA does admit that there is a problem out there, but no dollars to help. The Tribe needs to start documenting that we are trying to notify the BIA and start soliciting dollars for improvement or a new building. The documentation will also assist with any liability issue.

Junk Car Citations-0 issued.

8. BIA/LES Standards Review-Internal Affairs-

Gary Besaw wanted this issue brought to this committee for discussion. As Gary is not present, we will table this for the next meeting.

Motion by Barb Nelson to table BIA/LES Standards-Internal Affairs and review this item at the next meeting. Seconded by Joan Delabreau. All those in favor signify by raising your right hand. Motion Carried: 5-for, 0-opposed, 1-abstentions (Waukau), 3-absent (Besaw, Kussel, Miller).

8. Proposed Drug Ordinance (#80-17) Amendments/David Wynos-

Mr. Wynos is still in training and will be in attendance for the next meeting.

Motion by Walter Cox to table the Proposed Drug Ordinance #80-17 amendments and place this item on next month's agenda. Seconded by Barb Nelson. All those in favor signify by raising your right hand. Motion Carried: 6-for, 0-opposed, 1-abstentions (Waukau), 3-absent (Besaw, Kussel, Miller).

9. Clean up of Clandestine Drug Labs Attorney Report -

Frank McLellan presented a copy of the Proposed Public Health and Safety Nuisance Ordinance for committee input: Page #3-"Causing or allowing improper sewage disposal facilities to be operated, or causing or allowing the effluent from any **cesspool, septic tank, drain field or sewage disposal system**" can read as private on-site wastewater treatment facility. This portion also needs to be reviewed to make sure that it does not conflict with Ordinance #00-14, Private Sewage Systems. Article 2: Add the Conservation Department and instead of it reading "**A representative of the Menominee Tribal Police Department**" it should read Chief of Police of the Menominee Tribal Police Department.

Page #4- "**special inspection warrants shall be obtained from the Menominee Tribal Court**"- will have to review if the Tribal Courts will issue these special warrants. "**And/or imprisonment in**"-this would be hard to enforce and Committee thinks that this might just be a civil issue.

Page #5 4- **“A copy of the chemical manifest”** should read hazardous waste. B) **“other than the Committee to remove the sign”**- is it the Committee as a whole or designee.

Page #6 Article 5. **“shall develop regulation”**- should read has developed a standard operating procedure, clandestine drug lab removal cleanup guidance. Mr. McLellan and Mr. Orcutt will make changes in time for the next meeting.

Motion by Gary Schuettpelz to table the proposed ordinance and will review at the next meeting. Seconded by Walter Cox. All those in favor signify by raising your right hand. Motion Carried: 7-for, 0-opposed, 0-abstentions, 3-absent (Besaw, Kussel, Miller).

10. Other Business-

Frank McLellan is looking for bids to remove the old hotel located in Neopit. Mr. McLellan will also get a history on the land to find out if the Tribe would be able to recoup the costs.

This Committee worked on the Domestic Violence Ordinance and was presented to the Tribal Legislature for first reading. The Legislature tabled this item. It will need to become an agenda item.

11. Motion by Walter Cox to adjourn the meeting. Seconded by Mark Waukau. Meeting adjourned at 4:05 p.m.

Respectfully submitted by,

Linda Peters/Recorder